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PATENT
Attorney Docket 053529-5007-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Berkley Lynch *et al.***

Application No. **10/725,189**

Filed: **December 2, 2003**

Title: **Methods for the Identification of Agents for
the Treatment of Seizures, Neurological
Diseases, Endocrinopathies and Hormonal
Diseases**

Group Art Unit: **1649**

Examiner: **Chang-Yu Wang**

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Requirement in response to the Office Action dated December 29, 2005.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required. However, if Applicants have overlooked the need for an extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310. This request is being filed under the next business day rule on Monday, January 30, 2006 as the due date for responding fell on a Sunday (January 29, 2006).
3. Fee Calculation (37 C.F.R. 1.16):

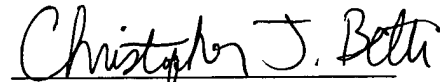
CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	172	minus	172	0	\$50 each=	0.00
Independent Claims	13	minus	13	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

4. Constructive Petition: Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This

paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. 1.136(a)(3).

Dated: January 30, 2006
Morgan, Lewis & Bockius LLP
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Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


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Registration No. 56,890



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Attorney Docket No. 053529-5007-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :)	
)	
Berkley LYNCH <i>et al.</i>)	
)	Group Art Unit: 1649
Application No.: 10/725,189)	
)	
Filed: December 2, 2003)	Examiner: C. Wang
)	
For: METHODS FOR THE IDENTIFICATION)	
OF AGENTS FOR THE TREATMENT OF)	
SEIZURES, NEUROLOGICAL DISEASES,)	
ENDOCRINOPATHIES AND HORMONAL)	
DISEASES)	

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement in the Office Action mailed December 29, 2005, the time frame for responding to which extends through January 30, 2006 given that January 29, 2006 fell on a Sunday, Applicants respectfully elect, with traverse, Group VII, claims 93-102, 126-137 and 139-156, drawn to a method of identifying a compound that modulates neurological disorders associated with synaptic function. As to the election of species requirement, Applicants provisionally elect, with traverse, N-alkylated 2-oxo-pyrrolidine derivatives. Claims 93-102, 126-137, 139, 141-155 read upon the provisionally elected species.

With regard to the traversal of the restriction requirement, Applicants respectfully assert that the Office Action has not met the burden of establishing that the groups of the restriction are patentably distinct. Furthermore, the Office Action has not established that an undue burden would be placed on the Examiner if required to search the claims together as opposed to separately. Applicants respectfully request reconsideration of the Restriction/Election Requirement in view of the following remarks.